In the High Court of Punjab and Haryana at Chandigarh.

Regular Second Appeal No.3081 of 2006.

Date of decision:16.1.2007.

Nanak Chand.

...Appellant.

Versus

Dakshin Haryana Bijli Vitran Nigam and others.

...

Coram: Hon'ble Mr. Justice S. N. Aggarwal.

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Present: Mr.N.D.Achint Advocate for the appellant.

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Judgment.

S. N. Aggarwal, J.

The appellant was working as a heavy duty driver on work charge basis with the respondents. He sought voluntary retirement on 29.2.2000. He filed the civil suit for the recovery of salary,arrears etc.

The respondents filed written reply and pleaded that the amount has been released to him.

Issues were framed.

The parties led the evidence.

After considering the entire matter, the learned trial Court dismissed the suit vide judgment and decree dated 3.5.2005.

The appellant filed an appeal. The learned Lower Appellate Court up-held the findings of fact recorded by the learned trial Court and dismissed the appeal vide impugned judgment and decree dated 31.1.2006.

Hence, the present appeal.

The submission of learned counsel for the appellant was that payments were released by the respondents but it was after long delay and, therefore, the appellant was entitled to interest which has been denied to him by the Courts below.

This submission has been considered. It has no merit. The respondents denied all the material averments made in the plaint. No doubt,there is some delay in releasing the payments by the respondents but the respondents had taken the plea that the delay is attributable to the appellant himself as he had remained absent without any intimation to the respondents as he availed unlimited leave and extraordinary leave on his own accord. The service book of the appellant was completed late due to fault of the appellant himself.

Both the Courts below have denied interest to the appellant by recording concurrent findings of fact and there is no ground to interfere with the aforesaid judgments.

No substantial question of law arises in this case.

No merit.

Dismissed.

January 16,2007. (S. N. Aggarwal)
Jaggi Judge